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Attorneys for Debtor in Possession  
Capital KCS, LLC

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

In re

CAPITAL KCS, LLC

Debtor in Possession.

Case No. 2:23-bk-13029-DS

Chapter 11

**NOTICE OF MOTION AND MOTION  
FOR APPROVAL OF DISCLOSURE  
STATEMENT DESCRIBING  
CAPITAL KCS, LLC'S CHAPTER 11  
PLAN OF REORGANIZATION  
DATED AUGUST 17, 2023**

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Hearing:

Date: October 12, 2023

Time: 11:30 a.m.

Held Remotely Using ZoomGov

PLEASE TAKE NOTICE that at the above-referenced date, time and location, Capital KCS, LLC, the debtor and debtor in possession in the above-referenced case (the "Debtor"), will respectfully ask the Court for an Order approving the Disclosure Statement [Docket No. 71] (the "Disclosure Statement") that describes the Debtor's "Chapter 11 Plan of Reorganization Dated August 17, 2023" [Docket No. 70] (the "Plan"). The Disclosure Statement and the Plan were filed with the Court on August 17, 2023.

1 PLEASE TAKE FURTHER NOTICE that, upon approval of the Disclosure  
2 Statement by the Bankruptcy Court, all parties that received this Notice and Motion will  
3 receive a copy of the Disclosure Statement, the Plan and a ballot for voting on the Plan  
4 without the need for taking any further action.

5 PLEASE TAKE FURTHER NOTICE that the Disclosure Statement and the  
6 Plan are on file with the Clerk of the Bankruptcy Court and may be viewed and/or  
7 photocopied during the Court's regular business hours. In addition, the Disclosure  
8 Statement and the Plan are available electronically for downloading and viewing for any  
9 person with a PACER account, at the following web address: <https://ecf.cacb.uscourts.gov>.

10 PLEASE TAKE FURTHER NOTICE that any request for a copy of the  
11 Disclosure Statement prior to the hearing on this Motion for the approval of the Disclosure  
12 Statement must be in writing and sent to counsel for the Debtor, whose name and contact  
13 information appears at the upper left-hand corner of the first page of this pleading.

14 PLEASE TAKE FURTHER NOTICE that, pursuant to Local Bankruptcy Rule  
15 3017-1(b), any party who wishes to object to the approval of the Disclosure Statement  
16 must, not later than 14 days prior to the hearing date set forth above, file a written objection  
17 with the Clerk of the Bankruptcy Court and serve such objection on (1) counsel for the  
18 Debtor, and (2) the Office of the United States Trustee, 915 Wilshire Boulevard, Suite  
19 1850, Los Angeles, California 90017.

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26 WHEREFORE, the Debtor respectfully requests that the Court enter an  
27 Order: (1) granting the Motion; (2) finding that the Disclosure Statement contains  
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1 “adequate information” as required by 11 U.S.C. § 1125(b); (3) approving the Disclosure  
2 Statement; (4) setting procedures, dates and deadlines regarding the distribution of the  
3 Disclosure Statement, Plan and ballots for voting on the Plan, and confirmation of the Plan;  
4 and (5) granting such additional relief as the Court may deem just and proper.

5 DATED: August 22, 2023

LESNICK PRINCE & PAPPAS, LLP

7  
8 By: /s/ Matthew A. Lesnick

Matthew A. Lesnick

Counsel for Debtor in Possession

Capital KCS, LLC

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
Lesnick Prince & Pappas LLP, 315 W. Ninth St., Suite 705, Los Angeles, CA 90015

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT DESCRIBING CAPITAL KCS, LLC'S CHAPTER 11 PLAN OF REORGANIZATION DATED AUGUST 17, 2023** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 08/22/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Marcus Colabianchi** mcolabianchi@duanemorris.com
- **Matthew A Lesnick** matt@lesnickprince.com, matt@ecf.inforuptcy.com;jmack@lesnickprince.com
- **Noreen A Madoyan** Noreen.Madoyan@usdoj.gov
- **Lisa Patel** lpatel@lesnickprince.com, jmack@lesnickprince.com;jnavarro@lesnickprince.com
- **Matthew D Pham** mpham@allenmatkins.com, mdiaz@allenmatkins.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov
- **David R Zaro** dzaro@allenmatkins.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 08/22/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Please see attached.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/22/2023  
Date

Janet A. Mack  
Printed Name

/s/ Janet A. Mack  
Signature

**SERVED BY UNITED STATES MAIL:**

AC Martin  
ATTN: Tom Hsieh  
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Sacramento, CA 94297-0897

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201 N. Figueroa St.  
Los Angeles, CA 90012

City of LA DOT  
100 S. Main St. 10th Floor  
Los Angeles, CA 90012

City of Los Angeles  
Los Angeles Housing Dept  
PO BOX 17790  
Los Angeles, CA 90017-0790

City of Los Angeles - HCIDLA  
PO BOX 30970  
Los Angeles, CA 90030-0970

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c/o City of Los Angeles Treasurer  
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